

DOCKET FILE COPY ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED

JUL 2 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

)

CC Docket No. 99-216

Deregulation/Privatization of Part 68 Equipment)

)

Registration and Telephone Connection Rules)

)

COMMENTS OF AMERITECH

Ameritech submits these comments in response to the Commission's recent public notice issued in the above-captioned proceeding soliciting comments in advance of fora scheduled by the Commission "to consider options for streamlining or eliminating equipment registration and telephone connection requirements contained in 47 C.F.R. Part 68."¹

Regardless of the increasingly rapid pace of technological change – and, in fact, because of it, it is more critical than ever that the Commission maintain rules designed to protect the public telecommunications network from "harm" that could be caused by the connection of defective equipment to the network or by the connection of equipment or wiring in an inappropriate manner.

To that end, the definition of "harm" contained in §68.3 of the Commission's rules is appropriate and should remain substantially the same:

Electrical hazards to telephone company personnel, damage to telephone company equipment, malfunction of telephone company billing equipment, and degradation of service to persons other than the user of the subject terminal equipment, his calling or called party.

¹ Public Notice, DA 99-1108 (rel. June 10, 1999).

No. of Copies rec'd 019
List A B C D E

Degradation of the service of the using party is a performance issue that the market can adequately care for. That is, if a defective piece of telephone equipment degrades the service of the purchaser, the user can complain to the manufacturer and, if not satisfied, refuse to purchase any of the manufacturer's goods in the future. In other words, the market provides sufficient incentives for manufacturers to make sure that their equipment does not adversely affect the service of their customers. It is really harm to "innocent bystanders" that the Commission's rules should be concerned with – telephone companies, their personnel, and their other customers who had nothing to do with the equipment purchase and who cannot otherwise protect themselves from the effects of defective gear.

Similarly, the remedies available to telephone companies via §68.108 should also remain substantially the same. Obviously, and especially if the services of other customers are affected, telephone companies must have the ability to disconnect a customer's service if harms to others are involved.

Even in the past, when technological developments occurred at a slower pace, the Commission's rulemaking process worked sluggishly. By way of example, Ameritech would point to its own petition asking for the Commission to initiate a rulemaking proceeding to add Public Switched Digital Service to Part 68. Ameritech filed its petition in October, 1987. It took the Commission six years to initiate the rulemaking proceeding² and more that two more years to

² *In the Matter of Petitions to Amend Part 68*, CC Docket No. 93-268, Notice of Proposed Rulemaking, FCC 93-484, 9 FCC Rcd. 1068 (rel. November 22, 1993).

finally adopt the necessary rule changes.³ Today, however, with technology changing ever more rapidly, there is an even greater need for the Commission to modify its procedures to enable it to act more quickly to ensure that telecommunications networks continue to be adequately protected.

The authority of the Commission's rules is still necessary to require equipment manufacturers to take into account the effects that their products might have on people and services not directly associated with their customers. However, a mechanism needs to be implemented to facilitate the quick modification of the Part 68 rules to account for new technologies as they emerge and proliferate in the marketplace. One way that this could be effected would be for the Commission to refer to a specific industry forum with sufficiently broad representation and credibility the task of proposing rule changes on an expedited basis to deal with emerging technologies. The Commission could adopt a fast-track procedure which would involve putting the rule modifications proposed by that forum out for comment on an expedited basis with, possibly, automatic implementation if no objections are received. At a minimum, this arrangement would eliminate the current two-stage process which requires a comment cycle for a petition for rulemaking and, if that petition is granted, a second comment cycle on the Commission's own notice of proposed rulemaking.

³ *In the Matter of Petitions to Amend Part 68*, CC Docket No. 93-268, Report and Order, FCC 96-1, 11 FCC Rcd. 5091 (rel. March 7, 1996).

With the implementation of changes of this nature, the benefits of the Commission's rules in safeguarding telecommunications networks and their customers from "harm" can be preserved.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael S. Pabian", with a stylized flourish at the end.

Michael S. Pabian
Counsel for Ameritech
Room 4H82
2000 West Ameritech Center Drive
Hoffman Estates, IL 60196-1025
(847) 248-6044

Dated: July 2, 1999
[MSP0219doc]